

EXHIBIT 20

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

LINDA McMAHON, *et al.*,

Defendants.

C.A. No. 1:25-cv-10601

DECLARATION

**AMENDED DECLARATION OF DEPUTY COMMISSIONER
DREW ECHELSON, Ed.D.**

I, Drew Echelson, declare:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein or have knowledge of the matters based on my review of information and records gathered by my staff. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am one of two Deputy Commissioners at the Rhode Island Department of Elementary and Secondary Education (RIDE), a position I have held since 2024. As Deputy Commissioner, I have oversight of the Division of System Transformation. This Division is composed of the Office of School and District Improvement, which includes federal Title programs and the Consolidated Resource Plan (CRP); the Office of Data and Technology Services, which includes federal data collections and reporting; and the Office of Finance and Accounting, which includes federal grant management, audit, and monitoring. Prior to holding this position at RIDE, I served in a number of senior roles in the Boston Public Schools including Chief of Schools and Accountability, Deputy Superintendent of Academics and Interim Superintendent of Schools.

I've earned a Doctorate in Education (Ed.D.) and multiple advanced degrees from Harvard University.

3. I submit this declaration in connection with the announcement by the Department of Education ("the Department") on March 11, 2025, that it would be reducing its staff by 50% and that this was only the "first step" to a "total shutdown" of the Department. *U.S. Department of Education Initiates Reduction in Force*, Press Release, Department of Education (Mar. 11, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force> ("March 11 Press Release").

4. RIDE is a department and the operating arm of the Rhode Island Council on Elementary and Secondary Education, which has been authorized by the Legislature "[t]o adopt standards and require enforcement and to exercise general supervision over all elementary and secondary public and nonpublic education in the state." R.I. Gen. Laws § 16-60-4(a)(2).

5. There are some sixty-six (66) public local education agencies (LEAs) in the State, which include thirty-two (32) traditional school districts (serving single municipalities), four (4) regional school districts (serving multiple municipalities), four (4) state-operated schools (serving students statewide), one (1) regional collaborative LEA and twenty-three (23) charter schools.

6. There are approximately three hundred and six (306) public elementary and secondary schools in the State serving over 130,000 students.

7. Given my experience, I do not think that the U.S. Department of Education can meet its obligations to administer the programs described below on behalf of RIDE.

Department of Education Funding Programs

8. RIDE receives funding through nineteen separate grants from the Department of Education, totaling \$231,597,530 in allocated funds. Grant-making through the Department of

Education plays a critical role in RIDE's ability to support the well-being and academic success of students across Rhode Island, and RIDE's ability to oversee and administer state education programs is intertwined with the efficient administration of federal funding.

9. Any delays, interruptions, or reductions in funding as a result of the pending reduction in force at the Department of Education are likely to have a debilitating impact on the quality of education in Rhode Island, for the reasons given below.

Title I Funding / Formula Funding under the ESEA

10. RIDE receives funding through twelve formula grant programs, which include continuing grants that are allocated based on formulas authorized by statute or regulation. These programs include \$156 million in federal funding authorized through September 2025, as well as \$4 million authorized through September 2026.

11. RIDE receives formula funding totaling \$61,608,283 under Title I of the Elementary and Secondary Education Act (ESEA) to support schools with high-poverty populations. This is a formula grant that was awarded in July 2023 and is set to expire in September 2025.

12. The purpose of Title I is "to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments." 20 U.S.C. § 1001(2).

13. Rhode Island has 177 schools that receive Title I funding, serving 66,767 students as of the end of the 2023-2024 academic year.

14. RIDE also receives formula funding under Title II Part A (Teacher Quality), Title III Part A (Language Acquisition), Title IV Part A (Student Support and Academic Enrichment),

Title IV Part B (21st Century Community Learning Center Grants), and Title VI Part A (Grants for State Assessments) of the ESEA as amended, totaling over \$60 million in active federal grants. These funds are administered through the Office of Elementary and Secondary Education Services.

15. These grants are allocated to state education agencies which then subgrant directly to eligible entities. For example, local education agencies, i.e., schools and districts, receive Title II Part A supplemental formula funding to support effective instruction and improve the quality of teachers, principals, and other school leaders. Schools and districts receive Title IV Part A formula grants to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology to support student digital literacy. Title IV Part B provides funding for high-quality after-school and summer learning programs that provide academic support, enrichment, and family engagement services to students to complement and support learning that happens during the school day.

16. Any delays, interruptions, or reductions in funding as a result of a reduction of force in the Office of Elementary and Secondary Education Services or the Department generally will have a direct impact on the quality of education for students across Rhode Island. Funding delays or interruptions will compromise the ability of LEAs to ensure that their students are minimally proficient on State academic assessments, will hobble the capacity of LEAs to support, develop, and train qualified teachers, and will have an immediate and detrimental effect on the quality of education in Rhode Island. Interruptions or delays in the administration of Title I funding, specifically, will be strongly felt, as over half of Rhode Island schools currently receive this funding.

17. Any reductions, delays, or interruptions in funding due to the pending reduction in force may also impact funding available for RIDE as a State Education Agency (SEA) for federal

program administration and the enactment of state level activities. Significant delays, interruptions, or reductions in funding would dramatically hamper RIDE's capacity to successfully administer these programs in alignment with federal requirements and dilute RIDE capacity to enact programs and initiatives with funds set aside for state level activities.

Formula Funding under the IDEA for Students with Disabilities

18. RIDE also receives funding under the Individuals with Disabilities Education Act (IDEA) to support special education and support for students with disabilities, including \$54.6 million under IDEA Part 300 Part B for the education of homeless children and youth, preschool students, and special education services. These formula grants were awarded in July 2023 and are set to expire in September 2025.

19. The purpose of IDEA is to provide all children with disabilities with “a free appropriate public education that emphasizes special education and related services designed to meet their unique needs,” 20 U.S.C. § 1400(d)(1)(A). IDEA is designed: to assist states in implementing a “system of early intervention services for infants and toddlers with disabilities;” “to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities;” and “to assess, and ensure the effectiveness of, efforts to educate children with disabilities.” *Id.* § 1400(d)(2)-(4).

20. There were 26,379 children with individualized education programs in Rhode Island under the Individuals with Disabilities Education Act (IDEA) as of the close of the 2023-2024 school year. Additionally, there were 8,356 students with 505 plans during this same period.

21. The Rhode Island Department of Elementary and Secondary Education administers the IDEA. In this role, RIDE as the SEA must implement all requirements of the Act and provide written assurance annually of compliance with the Act and the Regulations governing special

education in applying for the IDEA grant funds. RIDE relies on federal funding to carry out its statutory mandate, and the efficient administration of these funds is critical to ensuring that RIDE can carry out its functions as required by law.

22. Delays, interruptions, or reduction in funding resulting from a significant reduction in force at the Department will hobble RIDE's ability to perform its statutory functions under the IDEA. To the extent that such delays compromise the provision of early intervention services, special education services, assessments, and staffing, it will have an immediate and detrimental effect on children with disabilities in Rhode Island.

23. Improper administration of the requirements under IDEA would compromise the rights of children with disabilities to receive a free and appropriate public education in the least restrictive environment. This is a central tenet of the law and a fundamental requirement which the State is obligated to fulfill.

24. Reductions in force to the Office of General Counsel at the U.S. Department of Education will likely delay program evaluation of Rhode Island's Annual Performance Report and approval of the State's IDEA Part B funding application for FFY25. The FFY25 application process has just begun, and actual submission will occur on May 21, 2025.

Formula Funding for Adult Education / Technical Education

25. RIDE additionally receives \$9,588,904 in formula funding under the Adult Education and Family Literacy Act and the Carl T. Perkins Career and Technical Education Act. These grants were awarded in July 2023 and are set to expire in September 2025.

26. The Carl D. Perkins Career and Technical Education (CTE) Act provides federal funding to strengthen CTE programs by aligning K-12 and postsecondary education to workforce needs by increasing student access to high-wage, high-skill career programming. Adult education

funds support programs that help adults develop essential skills in literacy, numeracy, English language proficiency, workforce readiness, and citizenship. These funds improve employability, economic self-sufficiency, and access to further education, particularly for historically underserved populations.

27. During the 23-24 school year, 20,671 students were enrolled in at least one CTE class representing 47% of high school students statewide. During the same time period, Rhode Island's adult education programs served 6,321 adult learners.

28. Delays, interruptions, or reduction in funding resulting from a significant reduction in force at the Department will likely impact the impact and efficacy of CTE programs in Rhode Island and will compromise RIDE's ability to meet its obligations under the Act.

29. Proper administration of Carl D. Perkins CTE and Adult Education and Family Literacy Act (AEFLA) ensures that Rhode Island's K-12 students and adult learners graduate high school and enter the workforce with the skills needed to contribute to the economy. The effective administration of these programs supports all learners, especially historically underserved learners, and ensures that they receive education and training on career opportunities aligned with industry needs or Rhode Island's employers.

30. Carl D. Perkins CTE and Adult Education and Family Literacy Act funding are vital to the success of Rhode Island's Career and Technical Education and Adult Education Programs. If there are changes to Perkins, Rhode Island's 324 career and technical education programs will lose access to the largest allocation of money to support career and technical education in Rhode Island. This may result in communities needing to close RIDE-approved CTE programs that prepare students for high-skill high-growth careers. Similarly, any delay or interruptions in the disbursement of funds under the Adult Education and Family Literacy Act may

result in the closure of RIDE approved adult education programs. These shifts will decrease the career readiness of Rhode Island's graduates and will reduce the number of adult learners seeking to earn a high school equivalency credential through the completion of a GED or HiSet examination.

Targeted Funding: Improving Literacy Instruction and Strengthening Rhode Island's Right to Read Act

31. In addition to formula funding, RIDE receives substantial support from the Department in the form of targeted grants totaling \$70,446,742.

32. For instance, in October 2024 RIDE was awarded \$40 million in Comprehensive Literacy State Development (CLSD) to improve literacy outcomes for Rhode Island students from birth through age 12. This is a targeted grant that was awarded in October 2024 and expires in September 2029.

33. This funding is critical to our Agency's efforts to develop an academic infrastructure to improve literacy instruction across the state. Delay, interruption, or reduction in funds due to staffing cuts at the Department of Education will further inhibit our actions to successfully respond to Rhode Island's Right to Read Act, which was passed in July 2019 and requires educators to be aware of and proficient in the Science of Reading and Structured Literacy and local educational agencies (LEAs) to provide professional development in empirically-based reading instruction.

34. Proper administration ensures the distribution of funds in accordance with federal law. It is imperative that these funds be administered in a timely manner to ensure that the students prioritized in the grant program are served. Loss or interruption of these funds as a result of a reduction in force at the Department of Education will have a direct impact on the state's ability

to address LEA literacy needs. This is the largest source of federal funding available in RI for literacy education and support to LEAs for literacy. RIDE is in the process of awarding subgrantees. Any delay or disruption of the funding due to staffing cuts at the Department will cause delays in this first year of implementation. In this first year of implementation of the CLSD grant, subgrantees would be hiring coaches to support literacy instruction. A delay in funds will impact subgrantees' ability to hire coaches at the start of the school year. In addition, professional learning to train coaches prior to the start of the school year will also be delayed.

Targeted Funding: School-Based Mental Health, Longitudinal Data Systems, Infrastructure, and Other Key Areas of Support

35. In addition to these funding sources, RIDE currently receives \$30,446,742 in targeted funding to support school-based mental health services, computer science education, longitudinal data systems, training on scientifically based literacy instruction, and infrastructure improvements.

36. RIDE received two five-year school-based mental health services grants focused on recruitment and retention of school based mental health providers including school counselors, school social workers and school psychologists. The first grant is 10/1/2020-9/30/2025 and the second is from 10/1/2022-9/30/2027. Proper administration of these funds is important to meet the goals and objectives of the grant, including performance measures approved by the United States Congress as part of the allocation of those funds for this purpose.

37. Delays in funding would jeopardize current capacity building efforts to support the behavioral health needs of youth at both the state and LEA level.

38. The funds are time limited. Any delay or interruption in funding due to staffing cuts may cause RIDE to lose staffing capacity to support the field and would limit its ability to retain high-quality counselors, social workers, and psychologists for these programs.

Other Resources Provided by the Department of Education

39. In addition to grantmaking, the Department provides irreplaceable services in the areas of data collection and civil rights enforcement.

40. The projected cuts to the Institute of Education Sciences (IES) and the Office of Civil Rights (OCR) are anticipated to substantially limit RIDE's ability to comply with various contractual and statutory mandates and will significantly burden its day-to-day operations.

The National Assessment of Educational Progress i.e. the “Nation’s Report Card”

41. The Department’s Institute of Education Sciences (IES) includes the National Center for Education Statistics (NCES), which is the federal statistical agency responsible for collecting, analyzing, and reporting data on the condition of U.S. education.

42. NCES administers the National Assessment of Educational Progress (NAEP), better known as the “Nation’s Report Card,” which is the largest nationally representative and continuing assessment of what American students know across subject areas.

43. The NAEP is the gold standard from which RIDE anchors its standards and evaluates academic progress. RIDE relies on the NAEP to effectively set rigorous academic standards and hold schools accountable for results aligned with those standards.

44. A reduction in force that eliminates all or most of the staff at IES / NCES will functionally eliminate the NAEP and will make it nearly impossible for RIDE to evaluate its performance against other states in math, reading, and other subjects.

RIDE's Administration of its Statewide Longitudinal Data System Grant

45. The elimination of all or most of the staff at IES / NCES will additionally hamper RIDE's administration of the Rhode Island Longitudinal Data System (RILDS) grant, which is critical to building the data warehousing and analytical infrastructure to connect and evaluate student outcomes from multiple data sources across Rhode Island state government including health, academic, postsecondary, and workforce data sets. This grant is funded through NCES, and the elimination of all or most of the staff at NCES would obliterate a critical piece of infrastructure that RIDE relies upon to evaluate student outcomes in Rhode Island.

46. Without the infrastructure to sustain our longitudinal data system, RIDE will be unable to perform key research and analysis functions required to integrate education and workforce data elements and collections to improve our understanding of Rhode Island college and career pathways. RIDE will further be unable to share data with districts, schools, families, students, researchers, and policymakers with the goals of informing decisions about college and career pathways.

47. The RILDS connects data across sectors and over time to support research aligned with the State's priorities; inform policymaking and program evaluation; and improve the well-being of all Rhode Islanders. The RILDS connects three decades of previously siloed education, employment, and health data using a custom-built machine learning algorithm to ensure accurate person-level matches. The system currently links identified data across sectors and over time, creating a de-identified, individual-level dataset for 3,567,606 persons from 206 datasets. The RILDS covers data on:

- people born in Rhode Island;
- people learning and studying in Rhode Island;

- people working in Rhode Island; and
- people receiving services related to education, employment, health and social services in Rhode Island.

48. RIDE depends on RILDS' capacity to support accomplishment of agency priorities, including data collection, federal reporting, and research. In the past three years, RIDE has used the RILDS to:

- evaluate the state's computer science education programs;
- assess districts' compliance with Rhode Island's Basic Education Program and determine the incremental cost to meet the requirements;
- benchmark and measure progress against the local community foundation's 10-year plan for improving education in Rhode Island;
- report adult education participants' employment outcomes;
- provide an overview of arts education in Rhode Island schools;
- link original records from the College Board's Advanced Placement tests to the state-assigned student identifier;
- assess the outcomes of early college opportunities; and
- identify patterns in student access to rigorous college and career ready coursework.

49. The elimination of all or most of the staff at IES / NCES and any associated delays, interruptions, or reductions in funding will likely have a debilitating effect on RIDE's ability to comply with the terms of this grant and carry out the critical functions of this program.

Requirement to Utilize Evidence-Based Strategies

50. Under federal law, RIDE is required to utilize evidence-based strategies when making academic policy decisions. Research provided by NCES is critical to informing RIDE's

decision-making, and RIDE will be unable to comply with its statutory obligations without the research capacity and longitudinal system that NCES supports.

51. In particular, the March 11 reduction in force will likely impact the EdFacts reporting system, which will diminish RIDE's ability to evaluate K-12 indicators and data sets (including enrollment, demographics, and funding) with other states.

52. This will further hamper RIDE's ability to make data-informed decisions and effectively meet its federal and state obligations.

Shuttering of Boston OCR: Likely Impact on Civil Rights Enforcement

53. The Office of Civil Rights (OCR) investigates and enforces federal civil rights laws in schools and other recipients of ED funding.

54. The effective closure of this office through the elimination of all or most of the staff, as well as the closure of the regional field office in Boston (Boston OCR), will have a debilitating impact on day-to-day operations of the RIDE Legal Department.

55. Rhode Island does not have a separate regional field office and relies on Boston OCR to investigate complaints.

56. RIDE's Office of Student, Community, and Academic Supports (OSCAS), which handles the processing of special education due process complaints and investigations into special education state complaints, does not have jurisdiction over investigations into disability related discrimination complaints, which typically are forwarded to OCR for handling.

57. OCR retains jurisdiction over the enforcement of certain federal regulations, such as FERPA, and thus complaints asserting a FERPA violation are forwarded to OCR for handling.

58. If OCR is shut down or is otherwise unable to carry out its statutorily-mandated functions due to staffing cuts, presumably its authority and responsibilities in the education context would fall to RIDE and other state agencies.

59. As a practical matter, this would require a doubling or tripling of the RIDE Legal workforce. RIDE would not only need to hire additional attorneys, but also investigators, each of whom would need specialized training and expertise in this niche area.

60. Current RIDE attorneys would also need further training to ensure proper disposition of complaints that have been historically handled by OCR.

61. The handling of such additional complaints would further increase RIDE's legal workload, as these matters are likely to be appealed to state and /or federal courts which would require outside private counsel or another neutral RIDE attorney. This could tie up RIDE's very small legal office should multiple attorneys be needed to handle different stages of the same dispute.

Executed on April 23, 2025, at Providence, Rhode Island.



DREW ECHELSON, ED.D.
Deputy Commissioner